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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,026	10/31/2003	Kazuki Emori	SHO-0037	1078

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EXAMINER

KIM, ANDREW

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,026

Applicant(s)

EMORI ET AL.

Examiner

Andrew Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/22/04 11/19/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Uchiyama et al. (US 6,638,165).

Uchiyama discloses a gaming machine in which a virtual image is displayed in front of a plurality of reels. Uchiyama further discloses a light source behind the reels to illuminate a section of the reels to be noticeably visible to the player.

Claim 1: Uchiyama discloses

- a plurality of symbol strips each having a plurality of symbols (col. 6, lines 4-13);
- a plurality of annular bodies to which each of the symbol strips are annularly attached (col. 6, lines 4-13); It is inherent that the disclosed reel with symbols has a strip of symbols attached thereto.
- image display means provided in front of the plurality of annular bodies and configured to display an image concerning a game (col. 2, lines 14-40) ; and

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- a light source configured to illuminate the symbols from behind the symbols (col. 6, lines 63-67),
- wherein the plurality of annular bodies are made transparent or semitransparent for transmitting light from the light source in a direction of the image display means. It is inherent for the reels to be transparent or semi transparent such that the light behind the reels lights up the symbols. Otherwise, the light source would be pointless.

Claim 2: Uchiyama discloses

- a plurality of symbol strips each having a plurality of symbols (col. 6, lines 4-13);
- a plurality of annular bodies to which each of the symbol strips are annularly attached (col. 6, lines 4-13);
- image display means provided in front of the plurality of annular bodies and configured to display an image concerning a game (col. 2, lines 14-40); and
- a light source configured to illuminate the symbols from behind the symbols (col. 6, lines 63-67),
- wherein the plurality of annular bodies are formed to diffuse light from the light source in a direction of the image display means. It is inherent for the reels to diffuse the light in some manner such that the light behind the reels lights up the symbols. The diffusion of light is the equivalent of the semi-transparency recited in claim 1.

Claim 4: Uchiyama discloses

- a plurality of annular bodies each having an outer ring part on which a plurality of symbols are placed, and an arm part joined to the outer ring part (col. 6, lines 4-13); It would be inherent that the disclosed reel of Uchiyama would have an arm part or equivalent to maintain the circumference of the reel. If the arm part or equivalent is missing, the reel would collapse on itself and would be inoperable.
- image display means provided in front of the plurality of annular bodies and configured to display an image concerning a game (col. 2, lines 14-40); and
- a light source configured to illuminate the symbols from behind the symbols (col. 6, lines 63-67),
- wherein the outer ring part and the arm part of each of the annular bodies are formed in one piece, wherein at least a side margin of the outer ring part is made transparent or semitransparent for transmitting light from the light source in a direction of the image display means. It is inherent for the reels to be transparent or semi transparent such that the light behind the reels lights up the symbols. Otherwise, the light source would be pointless.

Claim 5: Uchiyama discloses

- a plurality of annular bodies each having an outer ring part on which a plurality of symbols are placed, and an arm part joined to the outer ring part (col. 6, lines 4-13); It would be inherent that the disclosed reel of Uchiyama would have an arm

part or equivalent to maintain the circumference of the reel. If the arm part or equivalent is missing, the reel would collapse on itself and would be inoperable.

- image display means provided in front of the plurality of annular bodies and configured to display an image concerning a game (col. 2, lines 14-40); and
- a light source configured to illuminate the symbols from behind the symbols (col. 6, lines 63-67),
- wherein the outer ring part and the arm part of each of the annular bodies are formed in one piece, wherein at least a side margin of the outer ring part is formed to diffuse light from the light source in a direction of the image display means. It is inherent for the reels to diffuse the light in some manner such that the light behind the reels lights up the symbols. The diffusion of light is the equivalent of the semi-transparency recited in claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchiyama et al. (US 6,638,165).

Claim 3: Uchiyama discloses

- a plurality of symbol strips each having a plurality of symbols (col. 6, lines 4-13);
- a plurality of annular bodies to which each of the symbol strips are annularly attached (col. 6, lines 4-13);
- image display means provided in front of the plurality of annular bodies and configured to display an image concerning a game (col. 2, lines 14-40); and

Uchiyama does not explicitly disclose

- a light source configured to illuminate the symbols from a slanting direction of a front of the symbols,
- wherein the plurality of annular bodies are formed to reflect light from the light source in a direction of the image display means.

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Instead, Uchiyama teaches a gaming machine that includes a light source configured to illuminate the symbols from behind the reels to allow the symbols to be noticeably visible to the player (col. 6, lines 63-67). It would have been an obvious matter of design choice to modify the light source to be in front of the reels wherein the plurality of reels to reflect light from the light source in a direction of the image display means since the Applicant has not disclosed that such an arrangement would offer any advantage over the configuration stated in claims 1 and 2 of the instant invention and appears that the gaming machine of Uchiyama would perform equally well with a light source behind the reels. Therefore, it would have been obvious design choice to one of ordinary skill in the art at the time of the invention to modify Uchiyama with a light source in front of the reels wherein the light is reflected in a direction of the image display means.

Claim 6: Uchiyama discloses

- a plurality of annular bodies each having an outer ring part on which a plurality of symbols are placed (col. 6, lines 4-13), and an arm part joined to the outer ring part; It would be inherent that the disclosed reel of Uchiyama would have an arm part or equivalent to maintain the circumference of the reel. If the arm part or equivalent is missing, the reel would collapse on itself and would be inoperable.
- image display means provided in front of the plurality of annular bodies and configured to display an image concerning a game (col. 2, lines 14-40); and

Uchiyama does not explicitly disclose

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- a light source configured to illuminate the symbols from a slanting direction of a front of the symbols,
- wherein the outer ring part and the arm part of each of the annular bodies are formed in one piece, wherein at least a side margin of the outer ring part is formed to reflect light from the light source to diffuse in a direction of the image display means.

Instead, Uchiyama teaches a gaming machine that includes a light source configured to illuminate the symbols from behind the reels to allow the symbols to be noticeably visible to the player (col. 6, lines 63-67). It would have been an obvious matter of design choice to modify the light source to be in front of the reels wherein the plurality of reels to reflect light from the light source in a direction of the image display means since the Applicant has not disclosed that such an arrangement would offer any advantage over the configuration stated in claims 1 and 2 of the instant invention and appears that the gaming machine of Uchiyama would perform equally well with a light source behind the reels. Therefore, it would have been obvious design choice to one of ordinary skill in the art at the time of the invention to modify Uchiyama with a light source in front of the reels wherein the light is reflected in a direction of the image display means.

Claim 7: Uchiyama does not explicitly wherein the annular body is formed in white color. Instead, Uchiyama omits the color of the reel (col. 6, lines 4-13). However, it is notoriously well known in the art for the reels to be of a white color. One of ordinary

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skill in the art would have been motivated to provide white reels such that any designs or images displayed in front of the reels are more visible. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Uchiyama with white reels to allow the player to easily see any designs or images displayed in front of the reels.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchiyama et al. (US 6,638,165) in view of Sakai (US 2002/0173356).

Claim 8: Uchiyama discloses wherein the annular body is formed of polycarbonate. Instead, Uchiyama omits the material of the reel (col. 6, lines 4-13). However, in an analogous gaming machine reference, Sakai teaches the use of polycarbonate material that is transparent and flexible so as the light can be visible to the player from in front (Sakai, paragraph 48). One of ordinary skill in the art would have seen the benefit of modifying Uchiyama with polycarbonate reels as taught by Sakai to provide transparent and flexible material such that the light from behind the reels can be seen. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Uchiyama with polycarbonate reels as taught by Sakai to provide transparent and flexible material such that the light from behind the reels can be seen.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kim whose telephone number is 571-272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK 6/26/2006


SCOTT JONES
EXAMINER